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**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

AKIB ABIOLA,

Plaintiff,

vs.

COUNTY OF GENESEE, a Municipal Corporation,  
ROBERT J. REZNICK, Individually and in his Official Capacity,  
THOMAS J. ROYAL, II, Individually and in his Official Capacity,  
ASHLEY J. POINTER, Individually and in his Official Capacity

Defendants.

Case: 4:07-cv-11962  
Assigned To: Gadola, Paul V  
Referral Judge: Scheer, Donald A  
Filed: 05-04-2007 At 04:27 PM  
CMP ABIOLA V. GENESEE COUNTY ET AL  
(DA)

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**ROBINSON & ASSOCIATES, P.C.**  
**DAVID A. ROBINSON (P 38754)**  
**THEOPHILUS E. CLEMONS (P 47991)**  
Attorneys for Plaintiff  
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**PLAINTIFF'S COMPLAINT AND JURY DEMAND**

NOW COMES the Plaintiff, AKIB ABIOLA, by and through his attorneys  
ROBINSON & ASSOCIATES, P.C., and for his Complaint against the Defendants states unto  
this Honorable Court as follows:

**INTRODUCTORY AND JURISDICTIONAL STATEMENT**

1. This is an action for money damages brought pursuant to 42 U.S.C. §§ 1983, and 1988, and the Fourth, and Fourteenth Amendments to the United States Constitution, and the laws of the State of Michigan, against these named defendants in their individual capacities and/or official

capacities. Plaintiff alleges that Defendants violated the Equal Protection Clause of the United States Constitution in arresting and causing him to be prosecuted based upon his race.

Jurisdiction is based upon 28 U.S.C. §§ 1331, 1332 and 1343, and on the supplemental jurisdiction of this Court to entertain claims arising under state law pursuant to 28 U.S.C. § 1367(a).

2. Plaintiff Akib Abiola, at all times pertinent hereto was domiciled in and resided in West Bloomfield, Michigan, County of Oakland. Plaintiff is African-American.

3. Defendant Robert J. Reznick, was at all times pertinent hereto, a GENESEE County Sheriff's deputy acting under color of law and, upon information and belief acting within the course and scope of his employment. Defendant Reznick is Caucasian. Defendant County of GENESEE is a Municipal Corporation subject to the laws of the State Of Michigan.

4. Defendant Thomas John Royal, II, at all times pertinent hereto, upon information and belief was a resident of the County of GENESEE. Defendant Royal is Caucasian.

5. Defendant Ashley J. Pointer, at all times pertinent hereto, upon information and belief was a resident of the County of GENESEE. Defendant Pointer is Caucasian.

6. The facts, circumstances and conduct which form the basis of this Complaint occurred in the City of Southfield, County of Oakland, State of Michigan.

7. The amount in controversy exceeds the sum of Fifty- Thousand (\$50,000.00) Dollars, exclusive of costs, interest and attorneys fees.

#### **FACTUAL ALLEGATIONS**

8. Plaintiff re-alleges each and every paragraph set forth above as if said paragraph were more fully and specifically stated herein.

9. On or about January 13, 2006, Defendants entered Plaintiff's business office purporting to serve and execute a court order; i.e. a Request And Order To Seize Property.

10. On said date, Plaintiff was the owner of All-American Mortgage Network located at 17515 West Nine Mile Road, Ste. 180, Southfield, Michigan 48075.

11. On said date, Plaintiff's mortgage broker license was displayed on his business office wall.

12. The Request And Order To Seize Property did not authorize Defendants to seize Plaintiff's mortgage broker license.

13. Defendants did not seize any business assets, but rather, only took Plaintiff's mortgage broker license off the wall.

14. Plaintiff verbally protested that Defendants could not take his mortgage license and, in response, Defendants then physically beat Plaintiff about his head and body.

15. Defendants called Plaintiff a "nigger" during this interaction.

16. Defendants pinned Plaintiff to the floor and called Southfield Police to Plaintiff's business office.

17. Upon arrival of the Southfield Police, Defendants told Plaintiff to either immediately pay them an exorbitant sum of money toward satisfaction of the Request And Order To Seize Property, or else go to jail.

18. Defendant Reznick pushed Plaintiff and told Plaintiff he had better come up with thousands of dollars right then and there on the spot, or else Reznick would have him arrested.

19. Plaintiff did not have such sums of money to pay Defendants on the scene.

20. Defendants then intentionally falsely accused Plaintiff of obstructing them, as

court officers in the discharge of their duties, and directed Southfield police to arrest and jail Plaintiff.

21. Defendants caused Plaintiff to be arrested, jailed and prosecuted for obstructing court officers in the discharge of their duties.

22. After Plaintiff bonded out, Defendant Reznick thereafter telephoned Plaintiff and said "you niggers are gonna end up in jail" if Plaintiff didn't immediately come up with some money to satisfy the Order, and that Defendants were going to return and seize all of "you niggers" business assets.

23. Defendants Royal and Pointer, in fact, were not court officers and had no actual legal authority to execute the Request And Order To Seize Property.

24. All charges against Plaintiff were dismissed on motion.

**COUNT I: 42 USC 1983; EQUAL PROTECTION VIOLATION**

25. Plaintiff re-alleges each and every paragraph set forth above as if said paragraph were more fully and specifically stated herein.

26. Defendants acted in a discriminatory manner and that discrimination was intentional.

27. Defendants acted with the purpose to discriminate based upon Plaintiff's membership in a protected class of persons, i.e. Plaintiff is African-American.

28. Defendants caused Plaintiff to be arrested and prosecuted based, in whole or in part, on his race.

29. Defendants executed the Request And Order To Seize Property in the manner that they did based on Plaintiff's race.

30. As a direct and proximate cause of Defendants conduct Plaintiff suffered injury and damage as more fully set forth below.

**COUNT II : ASSAULT AND BATTERY**

31. Plaintiff re-alleges each and every paragraph set forth above as if said paragraph were more fully and specifically stated herein.

32. The acts and omissions of Defendants as set forth above amounted to unwanted touching of Plaintiff's person, done without his consent, sufficient to constitute an assault and battery, as he was placed in imminent fear of an unlawful, unconsented touching.

33. The acts and omissions of Defendants as set forth above amounted to an assault and battery committed without justification, privilege or basis in law or fact.

34. As a direct and proximate result, Plaintiff suffered injury and damage as more fully set forth below.

**COUNT III : FALSE ARREST & IMPRISONMENT**

35. Plaintiff re-alleges each and every paragraph set forth above as if said paragraph were more fully and specifically stated herein.

36. Defendants restrained, and caused Plaintiff to be restrained and deprived of his freedom of movement, and locked in jail.

37. The arrest and imprisonment was against Plaintiff's will.

38. The Defendants accomplished the arrest and imprisonment by setting in motion actual physical force.

39. Defendants actions were intentional and proximately caused an unlawful arrest and imprisonment of Plaintiff, thereby causing injury.

40. As a direct and proximate result, Plaintiff suffered injury and damage as more fully set forth below.

**COUNT IV: GROSS NEGLIGENCE**

41. Plaintiff re-alleges each and every paragraph set forth above as if said paragraph were more fully and specifically stated herein.

42. Defendants owed Plaintiff a duty to perform their respective duties competently without causing unnecessary injury or harm.

43. Defendants breached said duties by their conduct as set forth herein. Moreover Reziek affirmatively directed and/or knowingly failed to prevent the conduct of Royal and Pointer.

44. The acts and omissions of Defendants constituted conduct so reckless as to demonstrate a substantial lack of concern for whether injury resulted to Plaintiff.

45. As the direct and proximate result of the individual Defendants gross negligence, Plaintiff suffered injury and damage as more fully set forth below.

**COUNT V: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

46. Plaintiff re-alleges each and every paragraph set forth above as if said paragraph were more fully and specifically stated herein.

47. The individual Defendants conduct as set forth above was intentional, extreme, outrageous, and of such character as not to be tolerated by a civilized society.

48. Defendants conduct was for an ulterior motive or purpose.

49. Defendants conduct resulted in severe emotional distress to Plaintiff.

50. As a direct and proximate result of each Defendant's conduct, Plaintiff suffered extreme emotional distress, injury and damage as more fully set forth below.

**COUNT VI: VIOLATION OF MCL 37.2102 (1)**  
**ELLIOT -LARSON CIVIL RIGHTS ACT MCL 37.2102 (1)**

51. Plaintiff re-alleges each and every paragraph set forth above as if said paragraph were more fully and specifically stated herein.

52. MCL 37.2102(1) prohibits discrimination based on race and ensures full and equal services, advantages and accommodations of law.

53. Defendants denied Plaintiff the full and equal services, advantages and accommodations of law based on his race.

54. As a direct and proximate result of each Defendant's conduct, Plaintiff suffered injury and damages as more fully set forth below.

**COUNT VII: MALICIOUS PROSECUTION**

55. Plaintiff re-alleges and incorporates all preceding paragraphs as if fully set forth word for word herein.

56. Defendants initiated and continued prosecution of Plaintiff and the prosecution terminated in Plaintiff's favor.

57. Defendants initiated and continued the prosecution of Plaintiff without probable cause, with malice or a purpose other than to bring the true offender to justice.

58. As a direct and proximate cause of Defendants conduct Plaintiff suffered injury as set forth below.

**DAMAGES**

59. Plaintiff re-alleges and incorporates all preceding paragraphs as if fully set forth word for word herein.

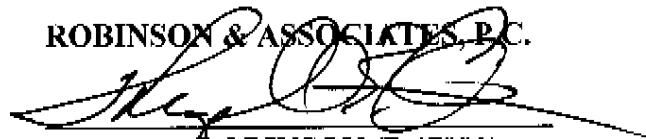
60. That as a/the direct and proximate result of each and every one of the named Defendant's actions as set forth within this Complaint, Plaintiff suffered injury and damages, including, but not limited to:

- a. Loss of liberty, and criminal defense attorney fees;
- b. Physical injury and pain and suffering;
- c. Humiliation, outrage, indignity, mental distress, anxiety and sleeplessness, and depression, embarrassment, shock and trauma, extreme emotional distress;
- d. Other damages currently unascertainable;
- e. Exemplary damages and reasonable attorney fees.

WHEREFORE, Plaintiff Akib Abiola respectfully requests that this Honorable Court grant judgment against the Defendants for whatever amount in excess of Fifty- Thousand (\$50,000.00) Dollars to which Plaintiff is found to be entitled, plus interest, costs and attorney fees recoverable under 42 USC 1988.

Respectfully submitted,

ROBINSON & ASSOCIATES, P.C.



DAVID A. ROBINSON (P 47991)

THEOPHILUS E. CLEMONS (P 47991)

Attorneys for Plaintiffs

28145 Greenfield Road, Ste. 100

Southfield, Michigan 48076

248-423-7234

May 3, 2007

**UNITED STATES DISTRICT COURT  
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COUNTY OF GENESEE, a Municipal Corporation,  
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**DAVID A. ROBINSON (P 38754)**

Attorneys for Plaintiff

28145 Greenfield Road, Suite 100

Southfield, Michigan 48076

248-423-7234

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**JURY DEMAND**

NOW COMES Plaintiff, Akib Abiola, by and through his undersigned attorneys, and  
hereby demands a trial by jury of each and every matter at issue in the above-entitled cause.

Respectfully submitted,

**ROBINSON & ASSOCIATES, P.C.**



**DAVID A. ROBINSON (P 47991)**

**THEOPHILUS E. CLEMONS (P 47991)**

Attorneys for Plaintiffs

28145 Greenfield Road, Ste. 100

Southfield, Michigan 48076

(248) 423 - 7234

May 3, 2007

# CIVIL COVER SHEET

County in which this action arose: Genesee  
 Case 2:07-cv-11962-SJM-DAS Document 1-1 Filed 05/04/07 Page 19 of 11  
 This cover sheet and the information contained herein must be filed with the complaint or pleading, and other papers as required except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required of the Clerk of Court for the purpose of initiating the civil docket sheet.

## (a) PLAINTIFFS

AKIB ABIOLA

(b) County of Residence of First Listed

Oakland

(c) Attorney's (Firm Name, Address, and Telephone Number)

Robinson & Associates, P.C.  
 28145 Greenfield Rd., Ste. 100  
 Southfield, MI 48076 (248) 423-7234

## DEFENDANTS

County of Genesee  
 Robert J. Reznick  
 Thomas J. Royal, II  
 Ashley J. Pointer Genesee

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☒ 3 Federal Question (U.S. Government Not a Party)  
☐ 4 Diversity (Indicate Citizenship of Parties in Item 11)

## III. CITIZEN

(For Div

Citizen

Citizen of Another

Citizen or Subject of a Foreign Country

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☐ 2 Incorporated and Principal of Business in Another State

☐ 3 Foreign Nation

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment and Enforcement of Judgment <input type="checkbox"/> 161 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 160 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault Libel And Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury-Med. Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21:881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 680 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 891 HIA (1305F) <input type="checkbox"/> 892 Black Lung (923) <input type="checkbox"/> 893 OWC/DWW (405(g)) <input type="checkbox"/> 894 SSID Title XVI <input type="checkbox"/> 895 RA (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 860 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 881 Agricultural Acts <input type="checkbox"/> 882 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 880 Constitutional or State Statutes <input type="checkbox"/> 880 Other Statutory Actions
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input checked="" type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Writ <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

## V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify)  
☐ 6 Multi district Litigation  
☐ 7 Appeal to District Judge from Magistrate

## VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

42 USC 1983 : Equal Protection Clause Violation

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$50,000.00

CHECK YES only if demanded in complaint:  
 JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

JUDGE

DOCKET NUMBER

DATE

5/03/07

SIGNATURE OF ATTORNEY OF RECORD

(P 47991)

## PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

☐ Yes

☒ No

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes

☒ No

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

Notes : \_\_\_\_\_